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09/776,188	02/03/2001	Kelly L. Zimmerman		1487

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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

**Application No.**

09/776,188

**Applicant(s)**

ZIMMERMAN ET AL.

**Examiner**

CUONG H. NGUYEN

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**Status of the claims**

1. Claims 1-20 are pending; claims 1, 2, 4-14, 17, 19-20 are added on 1/06/2005 (the submitted amendment).

**Response**

2. The amendment on 1/06/05 necessitates a new ground of rejection(s); applicants' arguments are moot. It is the examiner's position that claiming a wireless communication between 2 parties (a vehicle & that vehicle's manufacturer) is not an inventive concept.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 4-5, 11, 14-15, and 16 are rejected under 35

U.S.C. 103(a) as being unpatentable over Arjomand (US Pat.

5,884,202), in view of Tanielian et al. (US Pat. 6,134,485, and in view of Takakura et al. (US Pat. 6,192,303).

A. As to claim 11: Arjomand suggests a method of communicating a diagnostic message from a vehicle, comprising:

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- detecting the diagnostic message (see **Arjomand**, Fig.1, ref. 16, and 1:5-30);
- requesting to initiate a wireless communication in response to the diagnostic message (see **Arjomand**, Fig.1, ref. 16, 3:22-46; and Fig.8, ref. 14); and communicating to obtain a diagnostic message (see **Arjomand**, the abstract, Fig.3, and Fig.8, ref. 50).

Arjomand does not disclose about receiving a electronic signal from an accelerometer via a control module.

However, Tanielian et al. teach about sending a acceleration signal after sensing it (see Tanielian et al., 5:28-43); Takajura et al. also teach about wireless communications between a diagnosing unit and its host computer (see Takakura et al., 4:36-44).

It would have been obvious to one of ordinary skill in the art to combine Arjomand with Tanielian et al, and Takura et al. in adding specific information about a vehicle's acceleration in communication messages from a vehicle to its manufacturer for a benefit of immediately having necessary information for diagnosing a performance of a vehicle remotely.

B. As to claim 1: It comprises similar limitations as claim 11; therefore, similar rationales and references set forth are applied for a 35 USC 103(a) rejection.

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C. As to claim 14: Arjomand teaches a method of communicating a diagnostic message from a vehicle, further comprising communicating with an occupant of the vehicle to schedule an appointment for service (see **Arjomand**, the abstract, Fig.6, ref. 12, and 1:5-30, 1:30-37). In summary, Arjomand teaches that communication step before bringing a vehicle for services; it is old and well-known that a communication between a manufacturer/a dealer and whoever occupies that vehicle has been happening before this invention.

D. As to claims 5, 16: These claims comprise similar limitations as claim 14; therefore, similar rationales and references set forth are applied for 35 USC 103(a) rejections.

E. As to claim 15: Arjomand teaches a method of communicating a diagnostic message from a vehicle (see **Arjomand**, the abstract, and Fig.6).

Arjomand also teaches about commanding a wireless communication representing a diagnostic message from an electrical management system (see **Arjomand**, the abstract, Fig.8, ref. 16, and 1:5-30, 1:30-37). In another word, Arjomand teaches that claimed communication step using a user interface module (ref.12) and a VOM (ref.16).

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F. As to claim 4: It comprises similar limitations as claim 15; therefore, similar rationale and references set forth are applied for a 35 USC 103(a) rejection.

4. Claims 17, 6-10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arjomand (US Pat. 5,884,202), in view of Tanielian et al. (US Pat. 6,134,485, in view of Takakura et al. (US Pat. 6,192,303, and further in view of Khawam (US Pat. 6,678,612).

A. As per claims 17, and 19: Arjomand teaches a method of communicating a diagnostic message from a vehicle, wherein initiating a wireless communication comprises commanding a device to transmit a wireless communication through a user interface module, and a main control module to i.e., "control and obtain data by wireless communication", "executes diagnostic application programs and displays information to the user" (see Arjomand, the abstract, Figs.6, 8, and 1:5-37).

Arjomand does not disclose about a vehicle's manufacturer communicates to an emergency crew.

However, Khawam discloses that communication (see Khawam, the abstract).

It would have been obvious to one of ordinary skill in the art to combine Arjomand with Tanielian et al., Takura et al., and Khawam to relay a message from a vehicle's owner to an

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emergency crew via said vehicle manufacturer/dealer to make sure a vehicle's owner receive helps from a short notice.

B. As to claims 6-10: These claims comprise similar limitations as claim 17; therefore, similar rationales and references set forth are applied for 35 USC 103(a) rejections.

C. As to claim 20: It comprises similar limitations as combine from claims 11 and 17; therefore, similar rationale and references set forth for a rejection of those claims are applied for a 35 USC 103(a) rejection of claim 20.

**5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arjomand (US Pat. 5,884,202), in view of Tanielian et al. (US Pat. 6,134,485, and in view of Takakura et al. (US Pat. 6,192,303)., and further in view of Razavi et al. (US Pat. 6,362,730).**

Arjomand teaches a method of communicating a diagnostic message from a vehicle (see Arjomand, the abstract, and Fig.6).

Arjomand does not disclose that wirelessly communication a message representing the vehicle's location.

However, Razavi et al. suggest that feature (see Razavi et al., the abstract).

It would have been obvious to one of ordinary skill in the art to combine Arjomand, Tanielian et al., Takakura et al, with Razavi et al. in adding information about a vehicle's location

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in a communication message because artisan recognized that this extra information is clearly necessary in certain case (e.g., for towing a disable vehicle).

6. Claims 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arjomand (US Pat. 5,884,202), in view of Tanielian et al. (US Pat. 6,134,485, and in view of Takakura et al. (US Pat. 6,192,303).

Arjomand teaches a method of communicating a diagnostic message from a vehicle (see **Arjomand**, the abstract, and Fig.6).

A. As per claim 18: It merely defines a message for an emergency condition, it is obvious to Arjomand's detecting a message that what contains in a message could be anything (good/bad) and considered as non-functional descriptive material; the specific contain of a message (good/bad) do not make the claim becomes inventive because it doesn't contribute to a different step of detecting/communicating a message.

B. As per claim 12:

Arjomand does not expressly disclose an occupant of the vehicle initiates a wireless communication.

However, the examiner respectfully submits that it is old for an occupant of the vehicle to initiate a communication when he is requested (e.g., if a cell-phone received a call (if a



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phone rings), a user to initiate an action of listening to that call by pressing a button.

It would have been obvious with one of ordinary skill in the art at the time of invention to implement Arjomand, Tanielian et al., and Takakura et al.'s teachings because it is efficient to initiating a communication whenever there is a need because this act only requires to press a button. It also saves active energy by de-activating/putting in a sleep-mode (only activating when there is necessary).

7. Claims 3, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arjomand (US Pat. 5,884,202), in view of Tanielian et al. (US Pat. 6,134,485), in view of Takakura et al. (US Pat. 6,192,303), and further in view of Phillips et al. (US Pat. 6,351,221).

A. As to claim 13: As best understood, Arjomand teaches a method of communicating a diagnostic message from a vehicle.

Arjomand does not disclose about a manufacturer/dealer notifying that a diagnostic message has been communicated.

However, Phillips et al. teach about that limitation (see Phillips et al., 1:28-55).

It would have been obvious with one of ordinary skill in the art to combine Arjomand, Tanielian et al., Takakura et al., and Phillips et al., because they are in the same field of

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endeavor, and a motivation of Phillips et al. about notifying a communication is already established would ensure that a diagnostic message is being transmitted and is received successfully.

B. As to claim 3: It comprises similar limitations as claim 13; therefore, similar rationale and references set forth are applied for a 35 USC 103(a) rejection.

#### Conclusion

8. Claims 1-20 are not patentable; accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 703-305-8233. The fax phone number for the organization where this application is assigned is 703-305-7687. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Cuong H. Nguyen*

*CHN*  
CUONG H. NGUYEN  
Primary Examiner  
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